

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

FITISTICS, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 1:16cv00112 (LO-JFA)
	)	
ERIK B. CHERDAK,	)	
	)	
Defendant.	)	

---

ERIK B. CHERDAK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 1:17cv00500 (LO-IDD)
	)	
SEAN L. MCKIRDY,	)	
	)	
Defendant.	)	

**MOTION TO WITHDRAW AS COUNSEL**

Pursuant to Local Rule 83.1(G) of the United States District Court for the Eastern District of Virginia, Jason Zellman, Surovell Isaacs & Levy, PLC, 4010 University Drive, Second Floor, Fairfax, VA 22030, respectfully requests this Honorable Court to withdraw his appearance as counsel of record for Defendant / Counter Plaintiff, Erik B. Cherdak, in the above captioned matter. In support of this Motion, counsel states the following:

1. Defendant / Counter Plaintiff, Mr. Erik Cherdak, retained Jason Zellman, Esquire (“Counsel”), and the law firm of Surovell Isaacs & Levy, PLC, on December 11, 2017, to represent him in the above-captioned case, to represent him in this matter.
2. Mr. Cherdak and Counsel’s relationship is at the point where the attorney-client relationship needs to come to an end as the relationship between counsel and Mr.

Cherdak has broken down to the point counsel can no longer effectively represent Mr. Cherdak and counsel believes he should withdraw based on his duties and responsibilities under the Rules of Professional Conduct.

3. Mr. Cherdak can be reached by mail at 149 Thurgood St., Gaithersburg, MD 20878, or by email at [ebcherdak@gmail.com](mailto:ebcherdak@gmail.com).
4. Mr. Cherdak currently objects to counsel's motion to withdraw.
5. The Court intends to schedule this matter for trial at a hearing on January 26, 2018.

WHEREFORE, Counsel requests as follows:

1. That Jason F. Zellman, Esquire, and the law firm of Surovell Isaacs & Levy, PLC be withdrawn as counsel of record for the Defendant / Counter Plaintiff, Mr. Erik Cherdak, in this matter; and
2. For such other relief as this Court may deem just and proper.

January 24, 2018

Respectfully submitted,

/s/ Jason F. Zellman  
Jason F. Zellman, Esq. VSB# 77499  
Surovell Isaacs & Levy PLC  
4010 University Drive, 2<sup>nd</sup> Floor  
Fairfax, Virginia 22030  
Telephone: (703) 277-9704  
Facsimile: (703) 591-9285  
[jzellman@surovellfirm.com](mailto:jzellman@surovellfirm.com)  
*Withdrawing Counsel for Mr. Cherdak*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 24<sup>th</sup> day of January 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

John D.V. Ferman, VSB# 70980  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000  
(703) 205-8050 (facsimile)  
[jferman@bskb.com](mailto:jferman@bskb.com)  
[mailroom@bskb.com](mailto:mailroom@bskb.com)  
*Counsel for Fitistics & Mr. McKirdy*

I hereby certify that on the 24<sup>th</sup> day of January 2018, I sent this filing via first class mail and electronic mail to the following:

Erik B. Cherdak  
149 Thurgood St.  
Gaithersburg, MD 20878  
[ebcherdak@gmail.com](mailto:ebcherdak@gmail.com)

/s/ Jason Zellman  
Jason F. Zellman VSB# 77499  
Surovell Isaacs & Levy PLC  
4010 University Drive, 2nd Floor  
Fairfax, Virginia 22030  
Telephone: (703) 277-9704  
Facsimile: (703) 591-9285  
[jzellman@surovellfirm.com](mailto:jzellman@surovellfirm.com)  
*Withdrawing Counsel for Mr. Cherdak*